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13 Attorneys for Plaintiffs

14  
15 **UNITED STATES DISTRICT COURT**  
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 SANDRA RAMIREZ and SCOTT  
18 FOWLER, on behalf of themselves and all  
19 others similarly situated,

20 Plaintiffs,

21 v.

22 BANK OF AMERICA, N.A.,

23 Defendant.

24 Case No. **'11CV2008 LAB POR**

25 **CLASS ACTION**

26 **COMPLAINT FOR DAMAGES AND**  
27 **INJUNCTIVE RELIEF PURSUANT TO THE**  
28 **TELEPHONE CONSUMER PROTECTION**  
29 **ACT 47 U.S.C. § 227**

30 Jury Trial Demanded

31 **INTRODUCTION**

32 1. Sandra Ramirez and Scott Fowler (“Plaintiffs”) bring this class action for damages,  
33 injunctive relief, and any other available legal or equitable remedies, resulting from the illegal  
34 actions of Defendant BANK OF AMERICA, N.A. (“BANA” or “Defendant”) in negligently,  
35 knowingly, and willfully contacting Plaintiffs on their cellular telephones without their express prior  
36 consent, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).  
37 Plaintiffs allege as follows upon personal knowledge as to themselves and their own acts and as to  
38 all other matters alleges upon information and belief.

## **JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1332, because Plaintiffs seek up to \$1,500 for each call in violation of the TCPA which when aggregated among a proposed class number in the tens of thousands exceeds the \$5,000,000 threshold. Plaintiffs allege a national class, which will result in at least one class member belonging to a different state than that of Defendant. Accordingly, both elements of diversity jurisdiction under the Class Action Fairness Act of 2005 are present. Venue is proper in the United States District Court for the Southern District of California as Defendant resides within the district.

## PARTIES

3. Sandra Ramirez and Scott Fowler are natural persons residing in California. Sandra Ramirez and Scott Fowler are account holders of cellular telephone numbers and pursuant to the terms of their respective contracts are charged for each call within the meaning of 47 U.S.C § 227(b)(1)(A)(iii).

15       4.     Defendant Bank of America, N.A. is a national banking association chartered by the  
16 Comptroller of the Currency of the U.S. Treasury under the National Bank Act. BANA makes  
17 loans to consumers and business directly and via other affiliated entities. BANA services millions  
18 of consumer debts such as mortgage home loans and credit cards. According to its parent  
19 corporation's most recent financial report, BANA is the largest mortgage loan servicer in the United  
20 States, servicing 13.4 million loans. BANA has its main office at 100 North Tryon Street, Charlotte,  
21 North Carolina, and operates in every state including California through approximately 5900 retail  
22 banking centers, 750 retail home loan locations, and 70 operations centers.

## **FACTUAL ALLEGATIONS**

25 5. Plaintiff Sandra Ramirez and her husband borrowed money to purchase a home in  
26 California in August, 2008, and began making regular, timely payments in full each month to  
27 BANA, the servicer of their mortgage through its predecessor entity BAC Home Loans Servicing,

1 LP.

2       6.      BAC Home Loans Servicing, LP was a Texas limited partnership. Its limited partner  
 3 was BANA LP, LLC, and its general partner was BAC GP LLC, both Nevada limited liability  
 4 companies. The sole member of BANA LP LLC and BAC GP LLC was Defendant Bank of  
 5 America, N.A. (“BANA”). On December 30, 2010, BAC Home Loans Servicing, LP ceased doing  
 6 business under its own name and was merged into its parent company, BANA. BAC Home Loans  
 7 Servicing, LP’s predecessor entities include Countrywide Home Loans Servicing, LP.

8       7.      When Mr. and Mrs. Ramirez fell behind on their mortgage, BANA began a  
 9 campaign of harassment by telephone in an effort to collect on the missed payments. BANA would  
 10 call their home and Mrs. Ramirez’ personal cell phone in sequence at multiple times per day.

11       8.      Plaintiff Scott Fowler and his wife purchased their home in October, 2006, taking out  
 12 a loan in Mrs. Fowler’s name only. They made regular, timely payments in full each month to  
 13 BANA, the servicer of their mortgage through its predecessor entity BAC Home Loans Servicing,  
 14 LP.

15       9.      When Mr. and Mrs. Fowler fell behind on their mortgage, BANA began a campaign  
 16 of harassment by telephone in an effort to collect on the missed payments. BANA would call their  
 17 home and Mr. Fowler’s personal cell phone in sequence at multiple times per day.

18       10.     Through its subsidiaries and agents, Defendant employs thousands of persons at call  
 19 centers throughout the country and overseas. These calling centers use automatic telephone dialing  
 20 systems and computerized account information to track, record, and maintain the millions of  
 21 consumer debts serviced by BANA.

22       11.     In 1991, Congress enacted the TCPA in response to a growing number of consumer  
 23 complaints regarding certain telemarketing and debt collection practices. The TCPA regulates, *inter*  
 24 *alia*, the use of automated dialing systems. Specifically, section 227(b)(1)(A)(iii) prohibits the use  
 25 of autodialers to make any call to a wireless number in the absence of an emergency or the prior  
 26 express consent of the called party.

27       12.     47 U.S.C. § 227(b) states in pertinent part:

**(b) Restrictions on use of automated telephone equipment**

(1) Prohibitions. It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—

- (A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice. . . .
- (iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call;

(3) Private right of action. A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

- (A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,
- (B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or
- (C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount available under subparagraph (B) of this paragraph.

13. According to findings by the Federal Communication Commission (“FCC”), the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient. The FCC also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used. *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).

14. On January 4, 2008, the FCC issued a Declaratory Ruling confirming that autodialed and prerecorded message calls to a wireless number by a creditor or on behalf of a creditor are permitted only if the calls are made with the “prior express consent” of the called party. *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991* (“FCC Declaratory Ruling”), 23 F.C.C.R. 559, 23 FCC Rcd. 559, 43 Communications Reg. (P&F) 877, 2008 WL65485 (F.C.C.) (2008).

15. The FCC “emphasize[d] that prior express consent is deemed to be granted only if the wireless number was provided by the consumer to the creditor, and that such number was

1 provided during the transaction that resulted in the debt owed.” *FCC Declaratory Ruling*, 23  
2 F.C.C.R. at 564-65 (¶10).

3       16. Under the TCPA and pursuant to the FCC’s January 2008 Declaratory Ruling, the  
4 burden is on Defendant to demonstrate that Plaintiffs gave BAC their express consent to call their  
5 cell phones within the meaning of the statute. *See FCC Declaratory Ruling*, 23 F.C.C.R. at 565 (¶  
6 10).

7       17. Plaintiff Scott Fowler never provided his cellular telephone number to Defendant at  
8 any time, nor did he give his express consent to receive calls on his cellular telephone. He was not  
9 listed on his wife’s mortgage application, which was in her name only.

10       18. Plaintiff Sandra Ramirez originally provided her cellular telephone number to  
11 Defendant at some point after the consummation of the transaction which resulted in the debt owed,  
12 but when Defendant began its campaign of telephone harassment, she withdrew that consent by  
13 repeatedly telling Defendant’s collection agents to stop calling her.

14       19. Plaintiff Sandra Ramirez on at least four occasions verbally instructed collection  
15 agents working on BAC’s behalf to stop calling her cell phone. Each one stated that it was not  
16 possible for them to remove her number from the computer system and Defendant continued to  
17 make calls to her cell phone.

18       20. Defendant acted willfully or knowingly or both in calling numbers using an  
19 autodialer without regard to the TCPA or whether the number was assigned to a cellular telephone.

20       21. At least 54 calls were placed by Defendant or their representatives, contractors, or  
21 agents, to Mrs. Ramirez’ cellular telephone using an automatic telephone dialing system. A similar  
22 volume of calls was made by Defendant to Mr. Fowler’s cellular telephone.

23       22. Many, if not most, of these calls used an artificial or pre-recorded voice to leave a  
24 message or give instructions.

25       23. In calling Plaintiffs on their cellular telephone lines dozen of time at multiple times  
26 per day, Bank of America violated 47 U.S.C. § 227(b).

27       ///

28

## Class Action Allegations

24. Plaintiffs bring this class action pursuant to Federal Rule of Civil Procedure 23 on behalf of themselves and on behalf of all others similarly situated.

25. The proposed Class that Plaintiffs seek to represent is defined as follows:

All persons within the United States who, on or after September 1, 2007, received an non-emergency telephone call from Defendant to a cellular telephone through the use of an automatic telephone dialing system or an artificial or prerecorded voice and who did not provide prior express consent for such calls during the transaction that resulted in the debt owed.

8       26.    Collectively, these persons will be referred to as “Class members.” Plaintiff  
9 represents, and is a member of, the Class. Excluded from the Class are Defendants and any entities  
10 in which BANA or its subsidiaries have a controlling interest, Defendant’s agents and employees,  
11 the judicial officer to whom this action is assigned and any member of the court staff and immediate  
12 family, and claims for personal injury, wrongful death, and emotional distress.

13       27. Plaintiffs do not know the exact number of members in the Class, but based upon  
14 BANA's representations as to its market share in the United States, Plaintiffs reasonably believe  
15 that Class members number at minimum in the hundred thousands. This Class size includes  
16 consumers holding credit cards issued by BANA under any of its subsidiary brands and affiliates, as  
17 well as persons who co-signed for such credit cards; consumer and business loans serviced by  
18 BANA or its affiliates; home mortgages borrowers and guarantors, and all other persons whom  
19 Defendant or its affiliates dialed (or mis-dialed).

20        28. There are questions of law and fact common to the members of the Class that  
21 predominate over any questions affecting only individual members, including, whether Defendant  
22 made any call (other than a call made for emergency purposes or made with the prior express  
23 consent of the called party) using any automatic telephone dialing system or an artificial or  
24 prerecorded voice to any telephone number assigned to a paging service, cellular telephone service,  
25 specialized mobile radio service, or other radio common carrier service, or any service for which the  
26 called party is charged for the call, in violation of the TCPA.

29. Plaintiffs' claims are typical of the claims of the members of the Class. Plaintiffs

1 have no interests antagonistic to those of the Class, and Defendant has no defenses unique to  
2 Plaintiffs.

3 30. Plaintiffs will fairly and adequately protect the interests of the Class, and have  
4 retained attorneys experienced in class and complex litigation.

5 31. A class action is superior to all other available methods for the fair and efficient  
6 adjudication of this controversy for the following reasons:

- 7 a. It is economically impractical for members of the Class to prosecute individual  
8 actions;
- 9 b. The Class is readily definable; and
- 10 c. Prosecution as a class action will eliminate the possibility of repetitious litigation.

11 32. A class action will cause an orderly and expeditious administration of the claims of  
12 the Class. Economies of time, effort, and expense will be fostered and uniformity of decisions will  
13 be ensured.

14 33. Plaintiffs do not anticipate any undue difficulty in the management of this action.

15 **FIRST CLAIM FOR RELIEF**

16 Negligent Violations of the TCPA

17 34. Plaintiffs re-allege and incorporate by reference the above paragraphs as though set  
18 forth fully herein.

19 35. The foregoing act and omissions of BANA constitute numerous and multiple  
20 violations of the TCPA, including but not limited to each of the above-cited provisions of 47 U.S.C.  
21 § 227 *et seq.*

22 36. As a result of BANA's negligent violations of the TCPA, Plaintiffs and Class  
23 members are entitled to an award of \$500 in statutory damages for each and every call placed in  
24 violation of the statute, pursuant to 47 U.S.C. § 227(b)(3)(B).

25 37. Plaintiffs and all Class members are also entitled to and do seek injunctive relief  
26 prohibiting such conduct violating the TCPA by BAC in the future.

27 ///

**SECOND CLAIM FOR RELIEF**  
Knowing or Willful Violations of the TCPA

38. Plaintiffs re-allege and incorporate by reference the above paragraphs as though set forth fully herein.

39. The foregoing acts and omissions of BANA constitute numerous and multiple knowing or willful, or both, violations of the TCPA, including but not limited to each of the above-cited provisions of 47 U.S.C. § 227 *et seq.*

40. As a result of BANA's knowing and willful violations of the TCPA, Plaintiffs and each member of the Class are entitled to treble damages of up to \$1,500 for each and every call in violation of the statute, pursuant to 47 U.S.C. § 227(b)(3).

41. Plaintiffs and Class members are also entitled to and do seek injunctive relief prohibiting such conduct violating the TCPA by BANA in the future.

**JURY TRIAL DEMAND**

42. Plaintiffs and Class members request a trial by jury on each of the claims for relief stated herein.

111

## **PRAYERS FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against Defendant Bank of America, N.A., for the following:

1. An injunction against the calling of cellular telephones by BANA's call centers, except where the cellular telephone subscriber has provided prior express consent to the calls;
  2. Damages pursuant to 47 U.S.C. § 227(b)(3);
  3. Costs of litigation and reasonable attorneys' fees;
  4. Such other and further relief as the court may deem just and proper.

DATED: August 31, 2011

## ANKCORN LAW FIRM

By: /s/ Mark Ankcorn  
Mark Ankcorn

TERRELL MARSHALL DAUDT & WILLIE PLCC

By: /s/ Beth Terrell  
Beth Terrell

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Sandra Ramirez and Scott Fowler

(b) County of Residence of First Listed Plaintiff Riverside, CA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Ankcorn Law Firm, 9845 Erma Road, Suite 300  
San Diego, California 92131 (619) 870-0600

## DEFENDANTS

Bank of America, N.A.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**'11CV2008 LAB POR**

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)                        |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

- |   |   |                                |   |                                |                                       |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 4        |
| Citizen of Another State                | <input type="checkbox"/> 2                | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<b>LABOR</b>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 720 Labor/Mgmt. Relations Act	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<b>SOCIAL SECURITY</b>	
			<input type="checkbox"/> 750 Other Social Security	
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

## V. ORIGIN (Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): **47 USC § 227 28:1332 - Diversity (jmd)**

## VI. CAUSE OF ACTION

Brief description of cause: Telephone Consumer Protection Act, robo-calls to cell phone without prior express permission

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ 250,000,000

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 31, 2011

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_